

ENTERED

September 19, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

GREGORY JAMES SHELTON,

Petitioner,

v.

BOBBY LUMPKIN.,

Respondent.

§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 2:23-CV-00051

ORDER ADOPTING MEMORANDUM & RECOMMENDATION

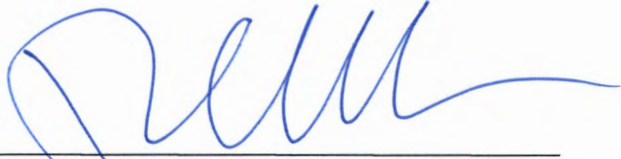
Before the Court is Magistrate Judge Julie Hampton's Memorandum and Recommendation ("M&R"). (D.E. 12). The M&R recommends that the Court grant Respondent's motion to dismiss, (D.E. 11), and dismiss Petitioner's 28 U.S.C. § 2254 petition, (D.E. 1). (D.E. 12, p. 8). The M&R further recommends that any request for a certificate of appealability be denied. *Id.* at 8–9.

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Badaiki v. Schlumberger Holdings Corp.*, 512 F. Supp. 3d 741, 743–44 (S.D. Tex. 2021) (Eskridge, J.).

Having reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is

not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 12). Accordingly, the Court **GRANTS** Respondent's motions to dismiss. (D.E. 11). Petitioner's § 2254 petition is **DISMISSED with prejudice**. (D.E. 1). A Certificate of Appealability is **DENIED**. A final judgment will be entered separately.

SO ORDERED.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas
September 19, 2023